

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JOHN M BALE,

Plaintiff,

v.

CHARLES N SCHANDEL et al.,

Defendant.

CASE NO. C12-5957 RJB-JRC

ORDER DENYING PLAINTIFF'S
MOTION FOR APPOINTMENT OF
COUNSEL

The District Court has referred this 42 U.S.C. § 1983 civil rights action to United States Magistrate Judge J. Richard Creatura. The Court's authority for the referral is 28 U.S.C. § 636(b)(1)(A) and (B), and local Magistrate Judge Rules MJR3 and MJR4.

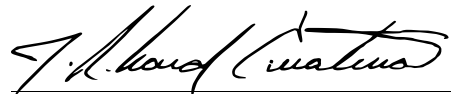
On June 18, 2013, the Court entered an order directing plaintiff to show what discovery he had requested and what discovery he had been able to obtain (ECF No. 24). The Court's concern was whether or not plaintiff had the ability to conduct discovery and develop the record. At that point, the Court had denied two prior motions for appointment of counsel and plaintiff requested the Court to appoint an investigator to help him with his action (ECF No. 13, 20, and 21).

1 Plaintiff was instructed to inform the Court if he had filed requests for production of
2 documents, interrogatories, or requests for admissions. Plaintiff was also to inform the Court if he
3 had arranged for depositions or sent public disclosure requests (ECF No. 24).

4 The Court told plaintiff to state what responses he had obtained from defendants (ECF No.
5 24). Plaintiff has partially complied with the Court's order and informed the Court that he sent
6 defendants requests for production of documents, interrogatories, and requests for admissions (ECF
7 No. 26). Plaintiff complains that he is not able to arrange for depositions and cannot afford to use
8 public disclosure because he is indigent. Plaintiff did not provide any information concerning
9 defendants' responses to his discovery requests.

10 Plaintiff attached to his reply another motion for appointment of counsel -- his third -- (ECF
11 No. 26). This motion was not docketed as a motion. The Court has reviewed plaintiff's reply to the
12 Court order. The Court is satisfied that plaintiff has used the tools available to him to conduct
13 discovery. Plaintiff has the ability to develop the record in this action. The Court denies plaintiff's
14 latest motion for appointment of counsel.

15 Dated this 14th day of August, 2013.

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17 J. Richard Creatura
18 United States Magistrate Judge
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